APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,059	12/14/2001	Adrian Storisteanu	CA920000041US1	6203

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EXAMINER
KANG, INSUN

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/017,059	STORISTEANU ET AL.
	Examiner	Art Unit	
	Insun Kang	2193	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *42-59* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *42-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed 6/20/2005.

2.   As per applicant's request, claims 1-41 have been cancelled and claims 42-59

have been added. Claims 42-59 are pending in the application.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 42-59 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Per claims 42, 48, and 54, it is unclear as to which default compare strategy (in

the last line) it is referring. It is interpreted as "the default compare strategy."

Per claim 43, 44, 49, 50, 55, and 56, it is unclear as to which custom compare strategy

(in the first line) it is referring. It is interpreted as "the custom compare strategy."

Per claims 55-59, it is unclear to which base claims they are referring, as claim 51 does

not recite a data processing system. It is interpreted as: claims 55-59 further limit claim

54.

As per claims 45-47 and 51-53, these claims are rejected for dependency on the

above rejected parent claims.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 42-59 are rejected under 35 U.S.C. 102(b) as being anticipated by LPEX

Editor User's Guide (IBM, 1998) hereafter LPEX.

Per claim 42:

LPEX discloses:

-selecting at least two documents for comparison, wherein the at least two documents

contain source code written in at least one programming language (i.e. see compare

Command, "Examines two documents for differences in their content," page 71; "LPEX

comes with parsers for C, C++, COBOL, Fortran, and for its own macros," chapter 4.

Using parsers);

-Identifying the at least one programming language as being utilized in the at least two

documents (i.e "the editor automatically runs a load macro used to invoke a parser

whose file name is composed of the extension of the file being loaded and an extension

of .lx.. This load macro, in turn, invokes a parser...if you open a file called sample.c, the

editor calls the c.lxl load macro, which invokes the C parser," chapter 4. Using parsers,

page 23);

-in response to the identifying, associating a respective parser to each of the at least

two documents, wherein each respective parser is tailored to parse documents that

utilize a specific programming language (i.e "the editor automatically runs a load macro

used to invoke a parser whose file name is composed of the extension of the file being

loaded and an extension of .lx.. This load macro, in turn, invokes a parser...if you open

a file called sample.c, the editor calls the c.lxl load macro, which invokes the C parser,"

chapter 4. Using parsers, page 23);

-determining whether all associated parsers are of a same type (i.e "the editor

automatically runs a load macro used to invoke a parser whose file name is composed

of the extension of the file being loaded and an extension of .lx.. This load macro, in

turn, invokes a parser...if you open a file called sample.c, the editor calls the c.lxl load

macro, which invokes the C parser," chapter 4. Using parsers, page 23);

-in response to determining that all associated parsers are of the same type, selecting

either a default compare strategy or a custom compare strategy when comparing the at

least two documents ; in response to determining that not all associated parsers are of

the same type, applying a default compare strategy (i.e see Chapter 5. Customizing

Editor Appearance and Function, Yu can also create macros and load profiles to handle

more elaborate customization," page 25) as claimed.

Per claim 43:

The rejection of claim 42 is incorporated, and further, LPEX teaches:

-in response to selecting a custom compare strategy when comparing the at least two

documents, selecting at least one compare option to be utilized in the custom compare

strategy (i.e see Chapter 5. Customizing Editor Appearance and Function, Yu can also

create macros and load profiles to handle more elaborate customization," page 25) as

claimed.

Per claim 44:

The rejection of claim 42 is incorporated, and further, LPEX teaches:

--in response to selecting a custom compare strategy when comparing the at least two

documents, displaying a compare dialog for selecting at least one compare option to be

utilized in the custom compare strategy (i.e see Chapter 5. Customizing Editor

Appearance and Function, Yu can also create macros and load profiles to handle more

elaborate customization," page 25) as claimed.

Per claim 45:

The rejection of claim 42 is incorporated, and further, LPEX teaches:

-wherein the respective parser reads and analyzes documents according to file type,

maintains document information throughout document editing, provides token

colorization, provides a content-outline of the document, provides code-assist functions,

provides automatic formatting of user input, provides navigation between classes and

tokens, and provides language-sensitive help on contents of the document (i.e see

Chapter 5. Customizing Editor Appearance and Function, Yu can also create macros

and load profiles to handle more elaborate customization," page 25; see also compare

command, "Options for the compare command," page 72) as claimed.

Per claim 46:

The rejection of claim 42 is incorporated, and further, LPEX teaches:

-wherein the comparison is performed while ignoring comments (see i.e Live Parsing, page 24) as claimed.

Per claim 47:

The rejection of claim 42 is incorporated, and further, LPEX teaches:

-wherein the comparison anticipates expected differences between the at least two documents including a change of a class or a variable name (i.e. see compare command) as claimed.

Per claims 48-53, they are the computer-readable medium versions of claims 42-47, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 42-47 above.

Per claims 54-59, they are the data processing system versions of claims 42-47, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 42-47 above.

Response to Arguments

7.   Applicant's arguments with respect to claims 42-59 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Insun Kang whose telephone number is 571-272-3724.

The examiner can normally be reached on M-F 7:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

I. Kang
AU 2193

ANIL KHATRI
PRIMARY EXAMINER